THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.22544 OF 2005

DATED:19.10.2005

Between:

K. Mallikarjuna Rao

…Petitioner

And

The District Level Committee (Sand Auction),

East Godavari, Kakinada, represented by

Its Member Convenor, District Panchayat Officer

Kakinada, and others

…Respondents

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ORDER:

The petitioner participated in the auction to lease out the right to collect seigniorage fee for the sand in respect of package No.3, consisting of Ravulapalem, Ubalank, Merlapalem and Komarajulanka reaches of Godavari (Gowthami) right bank, for the period 2004-2005. The period expired on 30.9.2005. The first respondent notified fresh auctions for the year 2005-2006. The same could not take place on 28.9.2005 for one reason or the author. Therefore, on an application being made by petitioner, third respondent granted temporary permit/lease to the petitioner for a period of fifteen days from 1.10.2005 to 15.10.2005 on petitioner depositing a sum of Rs.4,52,055/-. Before expiry of the said period, petitioner again approached the third respondent for extension of the temporary lease period from 16.10.2005 and paid an

amount of Rs.4,52,055/- by way of Demand Draft. As the said application was not considered, present Writ Petition is filed.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Panchayat Raj.

Rule 9-L of the A.P.Minor Mineral Concession Rules, 1966 (for short, the Rules), as amended by Notification vide G.O.Ms.No.1, Industries & Commerce Department, dt.1.1.2001, enables the first respondent to issue temporary permits not exceeding fifteen days in case of the area which is not leased out by sealed tender/public auction. Proviso to Rule 9-L confers the power on the District Panchayat Officer to continue earlier lessee on payment of proportionate amount with 10% enhancement for a period not exceeding sixty days. The District Panchayat Officer by proceedings dt.30.9.2005 has already permitted the petitioner, who is existing lessee in respect of package No.3, for a period of fifteen days from 1.10.2005 to 15.10.2005. Further, as seen from the proceedings dt.17.1.2005 issued by third respondent in respect of package No.7 the existing lessee was permitted for a further period of fifteen days from 17.10.2005 to 31.10.2005. Therefore, unless and until the District Level Committee takes a decision to put package No.3 for re-auction for a period of not exceeding sixty days, the petitioner has right to seek extension of the lease subject to conditions laid down in proviso to Rule 9-L of the Rules. Therefore, third respondent shall consider the application of the petitioner dt.15.10.2005 for extension of permit/lease in respect of package No.3 for a period of fifteen days from the date of such permit. As the petitioner has already deposited the proportionate amount, third respondent is directed to pass orders and issue necessary permit forthwith.

The Writ Petition is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

19.10.2005

Note:Issue CC by 20.10.2005.

(B.O)

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